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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.0364US (P8583)

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on March 28, 2006
Signature Jennifer A. Juarez

Typed or printed name Jennifer Juarez

Application Number

09/584,604

Filed

May 31, 2000

First Named Inventor

Scott A. Rosenberg

Art Unit

2672

Examiner

Javid A. Amini

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 42,117
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Mark J. Rozman
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Telephone number

3/28/06
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scott A. Rosenberg	§	Group Art Unit:	2672
		§		
Serial No.:	09/584,604	§		
		§	Examiner:	Javid A. Amini
Filed:	May 31, 2000	§		
		§		
For:	Transforming Pixel Data	§	Atty. Dkt. No.:	ITL.0364US (P8583)
	And Addresses	§		

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REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

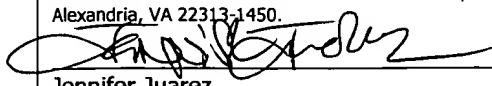
Applicant seeks pre-appeal review of the rejections of claims 26-54. It is respectfully submitted that the rejections to pending claims 26-54 are clearly erroneous and the burden of an appeal should be avoided. This is especially so, as the pending rejections are virtually identical to those that were in front of a prior Panel, which ordered reopening of prosecution. However, instead of actually seeking to advance the application, the Examiner issued an improper final rejection, maintaining the same §112 rejections and the same §103 rejection of all pending claims over two of the three references of the previous rejection.

As to the rejection of claims 26-54 under 35 U.S.C. §112, ¶1 as allegedly failing to comply with the written description requirement, there is no different basis for the rejection. Thus, for the same reasons the previous Panel forced reopening of prosecution, so too should this Panel find this rejection improper.

This rejection is clearly erroneous, as the Examiner contends that the Specification does not support the claim language used, although clear support exists. As to claim 26, the Examiner apparently contends that there is insufficient support for the claimed language of transferring pixel data to a transformation engine at a given memory address range, and readdressing the

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Jennifer Juarez

transformed pixel data to another memory address range using the transformation engine and without using a fetch engine. Clear support for this language is set forth in the Specification, for example, at p. 7, ln. 15 – p. 8, ln. 14; *see also* Reply to Final Office Action filed February 28, 2006 (p. 2-3).

As to claims 36-37 and 48-49, the Examiner contends that the claimed “second transformation” was not described in the Specification. This is clearly erroneous, as multiple transformations are disclosed throughout the Specification. For example, page 5 lists multiple transformation operations including scaling, color conversion and composition. Specification, p. 5, lns. 1 – 8. The Specification further discloses performing a first transformation and then a second transformation. *E.g.*, Specification, p. 8, ln. 15 – p. 9, ln. 10.

Claims 36-37 and 48-54 stand rejected under 35 U.S.C. §112, ¶2 for use of the term “transfer function”. This rejection is no different from the previous rejection. As discussed more fully during the prosecution (*see, e.g.*, Reply to Paper No. 21, filed August 25, 2004, p. 3), particularly when read in the light of the rest of the claim language and the Specification, use of the term “transfer function” is definite. That is, as shown in FIG. 3 and described in the Specification, a transfer function is “to receive pixel data and addresses from the immediate port target 16, perform a pixel and address transformation, and forward output pixel data and addresses to a media port write back engine 20”. Specification, p. 5, lns. 17-22. Thus the §112, ¶2 rejection is also clearly erroneous.

Pending claims 26-54 further stand rejected under 35 U.S.C. §103(a). This rejection is clearly erroneous, as the Examiner has failed to show that the prior art teaches or suggests all the claimed limitations of the rejected claims, in violation of Patent Office policy. MPEP §2143.03. This violation of Patent Office policy is particularly egregious, as the Examiner now contends that two references teach or suggest that which the Examiner previously conceded the references nowhere taught, i.e., “Homan and Pendse do not explicitly specify readdressing, writing, performing the transform graphical data to another memory address range”. Final Office Action, p. 6 (dated June 28, 2005).

Apparently, the Examiner now contends that the teaching of these two references would somehow meet the claimed subject matter, although this was not apparent to the Examiner, even with the benefit of hindsight, six months ago. It strains credibility beyond the breaking point for

the Examiner to argue that subject matter not present in these two references at the time of the previous Pre-Appeal Conference is now present in the references.

As to claim 26, the Examiner contends that Homan teaches “transferring pixel data to a transformation engine at given memory address range”. Final Office Action, p. 4 (December 28, 2005). However, nowhere is there support in Homan for such transfer of pixel data to a transformation engine at a given memory address range. Instead Homan merely teaches that pixel data is provided to a texture pipeline. However, data is hardwired through the pipeline and is not transferred to an engine “at a given memory address range”. Instead, as shown in Figure 2 of Homan, data is provided directly to a texture filter or texture applicator: nowhere does Homan anywhere teach or suggest such filters or applicators are “at a given memory address range”. Nor does Pendse add anything in this regard. For at least this reason, the rejection is overcome.

Nor do either of the references anywhere teach or suggest readdressing transformed pixel data to another memory address range using a transformation engine and without using a fetch engine. In this regard, the Examiner points to Figure 3 of Homan for such readdressing of transformed pixel data. However, Figure 3 of Homan is not directed in any way to readdressing of transformed pixel data (i.e., after transformation in a transformation engine). Instead, Figure 3 of Homan shows texture data organization as texture data is stored *prior to* transformation.

Furthermore, there is no basis for combining Homan with Pendse to obtain the claimed subject matter. In this regard, the Examiner contends that somehow it is obvious to recognize a transformation engine between the cache controller and cache memory of Pendse. Final Office Action, p. 5 (December 28, 2005). This is incorrect, as Pendse merely teaches that memory accesses may be speeded using a cache, which itself includes a cache controller and a cache memory. Nowhere does this or any other portion of Pendse anywhere teach or suggest a transformation engine that performs transformations on pixel data. For all these reasons, the rejection of claim 26 is clearly erroneous. The various dependent claims from claim 26 and independent claim 38 and its dependent claims are patentable for at least these same reasons. Furthermore, as described further in Applicant’s Reply to Final Office Action Mailed December 28, 2005, additional reasons exist why certain of these dependent claims are further patentable.


The rejection of independent claim 50 and the claims depending therefrom is clearly erroneous, as the Examiner fails to set forth any teaching or suggestion in either of the references for multiple memory controller clients. Instead, the Examiner merely refers back to its analysis

of claim 26, which is not directed to the same subject matter as claim 50. Accordingly, there is no *prima facie* case of obviousness with respect to claim 50 and the claims depending therefrom. MPEP §2142.

Since these rejections are clearly violative of existing PTO policy, the need for an appeal should be avoided.

Respectfully submitted,

Date: March 28, 2006



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